

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

DONALD RAY BENNETT,

No. 2:19-cv-02005-SU

Petitioner,

ORDER

v.

BRAD CAIN,

Respondent.

HERNÁNDEZ, District Judge:

Magistrate Judge Sullivan issued a Findings and Recommendation on April 7, 2021 in which she recommends that this Court grant Respondent's Motion to Lift Stay and to Dismiss Petition for Writ of Habeas Corpus. F&R, ECF 19. The matter is now before the Court pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Petitioner filed timely objections to the Magistrate Judge's Findings & Recommendation. Pet. Obj., ECF 21. When any party objects to any portion of the Magistrate Judge's Findings &

Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1); *Dawson v. Marshall*, 561 F.3d 930, 932 (9th Cir. 2009); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc).

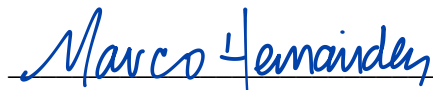
The Court has carefully considered Petitioner's objections and concludes that there is no basis to modify the Findings & Recommendation. The Court has also reviewed the pertinent portions of the record *de novo* and finds no error in the Magistrate Judge's Findings & Recommendation.

CONCLUSION

The Court ADOPTS Magistrate Judge Sullivan's Findings and Recommendation [19]. Therefore, Respondent's Motion to Lift Stay and to Dismiss Petition for Writ of Habeas Corpus [17] is GRANTED.

IT IS SO ORDERED.

DATED: July 25, 2021.


MARCO A. HERNÁNDEZ
United States District Judge